



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Environmental Resources

Office of the Director

Samuel E. Wynkoop, Jr.
Director

September 23, 2011

The Honorable Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: WC Docket No. 11-59

Dear Secretary Dortch:

As the Director of the Department of Environmental Resources of Prince George's County, Maryland, I write to correct misinformation presented by The Wireless Association (CTIA) in the above-referenced proceeding. Specifically, CTIA makes incorrect claims about Prince George's County's setback requirements and the impact of consultants.

Our contractors facilitate the tower siting process

CTIA claims in its Comments (page 21) that "The Insertion of Municipal Consultants into the Permitting Process Often Results in Additional Delay, Increased Costs, and Litigation." Prince George's County's experience demonstrates otherwise.

Prince George's County employs on-call contract engineers and analysts because we neither need nor can afford full-time engineering staff to review wireless facility applications. These independent professionals support our zoning and permitting staff, as well as the wireless developers and service providers that apply for siting.

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Our contractors ensure that applications are reviewed and acted upon in a non-discriminatory, consistent, and timely manner. Our contractors process tower siting applications according to our local codes and regulations, and under our fee structure. Thus, any requirements that our contractors place on applicants (such as considering co-location possibilities or other alternative locations) are based on our zoning and processes, not the contractor's own ideas.

It is for Prince George's County alone, not the wireless industry, to determine how to staff County functions. We have chosen to use contractors for some elements of wireless siting, as is our right and exclusive prerogative.

Setback requirements are in the community interest

Regarding setback requirements, CTIA asserts on page 19 of its Comments that Prince George's County "[i]mposes significant setback requirements that typically increase depending on the height of the tower, thus limiting the placement of taller towers to large parcels that can accommodate the setback distance."

In fact, Prince George's County permits monopoles up to 100 feet in height *by right*, subject to meeting setback requirements and a minimum lot size of only 2.5 acres. Further, an applicant may seek approval for a reduction in the setback, a fact that CTIA fails to mention.¹

¹ The relevant section of the Prince George's County code regarding reduction of setback requirements is as follows:
Sec. 27-416. Tower, pole, monopole, or antenna.

(a) A tower, pole, or monopole for the support of an antenna (electronic, radio, television, transmitting, or receiving) may be permitted, subject to the following:

(1) In the Commercial and Industrial Zones, and for land in a Residential Zone owned by a public entity, the structure shall generally be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base). The District Council may reduce the setback to no less than one-half (1/2) the height of the structure based on certification from a registered engineer that the structure will meet the applicable design standards for wind loads of the Electronic Industries Association (EIA) for Prince George's County. In the Residential Zones, on privately owned land, the structure shall be set back from all property lines and dwelling units a distance equal to the height of the structure (measured from its base).

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CTIA's comments also fail to take into consideration the purpose of setback requirements. Prince George's County's setback requirements are established by Code and apply to all commercial development, homeowner additions, subdivision development, agricultural preservation, and other land uses, not just to tower siting.

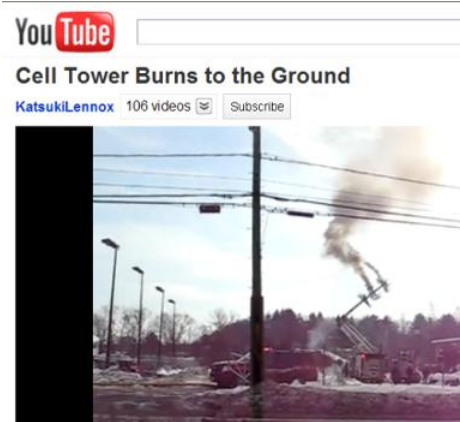
The placement of tall, imposing structures such as cell towers is regulated to minimize the visual intrusion of such commercial facilities, especially in residential neighborhoods. Setback requirements maintain a minimum distance between residents' homes and cell towers, which diminishes the visual impact of those facilities.

Moreover, a setback distance from property lines for monopoles establishes a "fall zone" to safeguard adjacent land and nearby people. It is feasible that monopoles fall, as occurred in Wellesley, Massachusetts² (next page, left) and Oswego, New York³ (next page, right):

² Source: <http://www.youtube.com/watch?v=0cT5cXuyiYY&feature=related> (accessed September 6, 2011)

³ Source: <http://www.firehouse.com/node/62632> (accessed September 6, 2011)

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Oswego, New York Cellular Tower Crushes Chiefs Vehicle

STEVE YABLONSKI/Oswego Bureau Chief, Editorial Staff - Courtesy of Oswego Daily News

Posted: Fri, 11/14/2003 - 12:00am

Updated: Thu, 06/14/2007 - 10:34am



It stretched for more than half the length of a football field, causing considerable damage but no injuries.

Within a matter of seconds Thursday morning, the cellular tower behind the Oswego Fire Department's eastside station went from being 165 feet tall to being 165 feet long.

Winds, in excess of 55 mph toppled the tower in an easterly direction; the fire chief's vehicle and a section of a fence were crushed.

There were no injuries, Chief Ed Geers reported.

Firefighters quickly cut off the power to the tower, Deputy Chief Mark McManus added. "Nobody got hurt, but it got the adrenaline pumping," he said.

Finally, I note that despite CTIA's unfounded complaints, neither the County's setback requirements nor its use of outside contractors has deterred carriers from building new tower facilities. Between 2000 and 2009, carriers built 147 new towers in the County, mostly in residential zones.

Please contact me if I can provide any additional information.

Respectfully submitted,

Samuel E. Wynkoop, Jr.
Director

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